

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA**

**vs.**

**MOHAMMAD REZA VAGHARI**

**a/k/a "Mitch Vaghari"**

**MIR HOSSEIN GHAEMI**

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**CRIMINAL ACTION**

**NO. 08-693-01**

**-02**

**ORDER**

**AND NOW**, this 29th day of June, 2010, upon consideration of Defendant Vaghari's Motion to Preclude the Government from Offering Expert Testimony From Dr. Matthew Levitt at Trial (Document No. 266, filed June 1, 2010), joined in by defendant Mir Hossein Ghaemi, the Government's Memorandum In Support of Admissibility of Trial Testimony From Dr. Matthew Levitt (Document No. 283, filed June 14, 2010), and Defendant Vaghari's Memorandum in Further Support of Motion to Preclude the Government From Offering Expert Testimony At Trial From Dr. Matthew Levitt (Document No. 300, filed June 25, 2010), following oral argument on June 28, 2010, and further oral argument and a Daubert Hearing at which the testimony of Dr. Matthew Levitt was presented on June 29, 2010, for the reasons stated on the record, all of which are incorporated herein by reference, **IT IS ORDERED** that Defendant Vaghari's Motion to Preclude the Government from Offering Expert Testimony From Dr. Matthew Levitt at Trial is **DENIED** on the ground that the proposed testimony of Dr. Matthew Levitt satisfies all of the requirements of Daubert v. Merrill Dow Pharmaceuticals, 509 U.S. 579 (1993), and Kumho Tire Co., Ltd. v. Carmichael, 526 U.S. 137 (1999), in that: (1) Dr. Levitt is qualified to render the opinions the Government seeks to present; (2) the opinions he will render

in his testimony are reliable in that they are based on good grounds; and (3) his testimony fits the case in that it will assist the trier of the fact to understand other evidence presented in the case, and will explain the alleged *modus operandi* of trans-shipping goods from the United States to Iran through Dubai, in the United Arab Emirates.<sup>1</sup>

**BY THE COURT:**

/s/ Jan E. DuBois  
**JAN E. DUBOIS, J.**

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<sup>1</sup> The Court intends to issue a more detailed opinion on this Motion in which it will amplify and expand the bases for the Court's ruling.